



1 Jeff Macy "In Pro Per"  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

JEFF MACY, as an individual

PLAINTIFF,

vs.

CALIFORNIA HIGHWAY PATROL  
RUNNING SPRINGS, a public entity,  
CHRISTOPHER BATES, as an individual,  
JEFFREY O'BRIEN, as an individual, and  
DOES 1-50.

Case No.: **TBD 5:23-cv-02245-RGK(BFM)**

COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL FOR:

- (1) False ticket.
- (2) Emotional Distress
- (3) Endangerment
- (4) Cover up.
- (5) Failure to do Public Records  
Request San Bernardino County Public  
Request #23-3765 (Running Springs CA  
Highway Patrol).
- (6) Violation of Bane Act.
- (7) Illegal detainment.
- (8) Unlawful Traffic Stop.
- (9) Collusion/Racketeering.
- (10) Unreasonable Search and  
Seizure.
- (11) Municipal and Supervisory Liability  
(42 U.S.C. § 1983).

**DEMAND FOR JURY TRIAL**

PLAINTIFF JEFF MACY ("Mr. Macy"), through his undersigned counsel, hereby  
files this Complaint against Defendants California Highway Patrol Running  
Springs, Christopher Bates ("Bates"), Jeffrey O'Brien ("O'Brien"), and Does 1 to  
50, inclusive (collectively "Defendants"), alleges as follows:

**JURISDICTION AND VENUE**

1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)  
(3-4) because Plaintiffs assert claims arising under the laws of the United  
States including 42 U.S.C. §§ 1983, 1985 & 1988, the Fourth & Fourteenth

1 Amendments of the United States Constitution. This court has supplemental  
2 jurisdiction over state law claims pursuant to 28 USC § 1367 because those  
3 claims are so related to PLAINTIFF'S federal claims that the claims form part  
4 of the same case and/or controversy pursuant to Article III of the United  
5 States Constitution.

- 6  
7 2. Venue is properly founded in this judicial district pursuant to 28 USC §§  
8 1391 (b) and (c) in that a substantial part of the events giving rise to the  
9 claims in this action occurred within this District and Defendants are subject  
10 to personal jurisdiction in this district.

11 **PARTIES**

- 12 3. PLAINTIFF JEFF MACY, is a citizen of the State of California, and at all  
13 relevant times herein was a resident in San Bernardino County in the State of  
14 California.
- 15 4. Defendant California Highway Patrol Running Springs, is and at all times  
16 relevant a public entity located in the County of San Bernardino and  
17 existing under the laws of the State of California.
- 18 5. Defendant Christopher Bates is and at all times relevant a resident in the  
19 County of San Bernardino and existing under the laws of the State of  
20 California.
- 21 6. Defendant Jeffrey O'Brien is and at all times relevant a resident in the  
22 County of San Bernardino and existing under the laws of the State of  
23 California.
- 24 7. On information and belief at all times relevant, Defendant DOES 1-50 were  
25 residents of the County of San Bernardino and are sued in their individual  
26 capacity.

27 **FACTS COMMON TO ALL CAUSES OF ACTION**

1 8. After 2-day October 23-24, 2023 trial Jeff Macy was **innocent** of the seat belt  
2 infraction traffic ticket and not responsible to pay seat belt ticket.

3 9. Each and every allegation set forth in each and every averment and  
4 allegation of this pleading hereby is incorporated by this reference in each  
5 and every averment and allegation of this pleading.

6 10. I am informed and believe that Defendants own ticket itself CT: 001 vc **"No**  
7 **Seat Belt"**-admits Plaintiff's family had seatbelts on, and says **"...secured by**  
8 **a non-factory equipped seat belt"** <-Word for word from Officer Bates  
9 written on ticket!

10 11. I am informed and believe that Officer Bates asked plaintiffs kids to get out  
11 of the truck, further endangering plaintiff's family on HWY 18, high-speed  
12 road. Plaintiff and family could have gotten hit by traffic while standing on  
13 the Highway 18 road in the hot sun for over 1 hour.

14 12. I am informed and believe that it was an unlawful police detention on  
15 suspicion of out of view no seatbelt, yet officer said everyone had a  
16 secured seatbelt on! – **"Unlawful police detention is when law enforcement,**  
17 **without legal justification, restricts your freedom to leave. Doing so**  
18 **constitutes a civil rights violation based on the Fourth Amendment. That**  
19 **amendment to the U.S. Constitution prohibits officers from conducting**  
20 **unreasonable searches or seizures."**

21 13. I am informed and believe that **§3.02 Presumption of Innocence; Proof**  
22 **Beyond a Reasonable Doubt:**

- 23 a. "It is a cardinal principle of our system of justice that every person  
24 accused of a crime is presumed to be innocent unless and until his or  
25 her guilt is established beyond a reasonable doubt. The presumption  
26 is not a mere formality. It is a matter of the most important substance.  
27  
28

1 b. The presumption of innocence alone may be sufficient to raise a  
2 reasonable doubt and to require the acquittal of a defendant. The  
3 defendant before you, Jeff Macy, has the benefit of that presumption  
4 throughout the trial, and you are not to convict [him/her] of a  
5 particular charge unless you are persuaded of [his/her] guilt of that  
6 charge beyond a reasonable doubt.

7  
8 c. The presumption of innocence until proven guilty means that the  
9 burden of proof is always on the government to satisfy you that  
10 [defendant] is guilty of the crime with which [he/she] is charged  
11 beyond a reasonable doubt. The law does not require that the  
12 government prove guilt beyond all possible doubt; proof beyond a  
13 reasonable doubt is sufficient to convict. This burden never shifts to  
14 [defendant]. It is always the government's burden to prove each of  
15 the elements of the crime[s] charged beyond a reasonable doubt by  
16 the evidence and the reasonable inferences to be drawn from that  
17 evidence. [Defendant] has the right to rely upon the failure or inability  
18 of the government to establish beyond a reasonable doubt any  
19 essential element of a crime charged against [him/her]. United States  
20 v. DeLuca, 137 F.3d 24, 37 (1st Cir. 1998 "If, after fair and impartial  
21 consideration of all the evidence, you have a reasonable doubt as to  
22 [defendant]'s guilt of a particular crime, it is your duty to acquit  
23 [him/her] of that crime..."

24 14. I am informed and believe that 2 Highway Patrol Officers violated Plaintiff  
25 Jeff Macy & family's federal civil rights. 1<sup>st</sup> Amendment right to record  
26 police! (Glik v. Cunniffe, 655 F.3d 78 (1<sup>st</sup> Cir. 2011) "is a case in which the  
27 United States Court of Appeals for the First Circuit held that a private citizen  
28

1 has the right to record video and audio of police carrying out their duties in  
2 a public place."

3 15. I am informed and believe that Highway patrol said, "Not allowed to record  
4 during his (highway patrol officer) traffic stop". Forced to get son Josiah  
5 Macy to take over recording. Macy was told cannot investigate. Illegal  
6 traffic stop of "suspicion of non-factory installed vehicle seat belt". -Police  
7 are not above the Law. Federal Civil Enforcement. (34 USC §12601)  
8

9 16. I am informed and believe that the Fourth Amendment to the Constitution.  
10 "The right of the people to be secure in their persons, houses, papers, and  
11 effects, against unreasonable searches and seizures, shall not be violated,  
12 and no warrants shall issue, but upon probable cause, supported by oath or  
13 affirmation, and particularly describing the place to be searched, and the  
14 persons or things to be seized." -Officer entered plaintiff's truck without  
15 permission and seized private property images without consent.

16 17. I am informed and believe that the Supreme Court noted in (Mapp v. Ohio  
17 (1961)), there remains no fixed test for reasonableness. Instead, trial courts  
18 determine reasonableness using an objective standard on a case-by-case  
19 basis. The reasonableness inquiry under the Fourth Amendment focuses on  
20 the specific context and the threat that the suspect poses. In the event that  
21 an individual believes law enforcement failed to conduct a seizure  
22 reasonably, that individual may pursue a civil action against the relevant  
23 government officers for a violation of his or her constitutional rights. But such  
24 a suit may be brought only after the alleged constitutional violation has  
25 occurred...

26 18. I am informed and believe that no-where does vehicle code say, "Must  
27 have a manufactured factory installed seat belt?" Illegal search and  
28

1 seizure. Officer Bates climbed up into my truck and took picture(s) without  
2 permission. –The picture(s) will be self-evident of this violation as/is also  
3 recorded by adult Josiah Macy. Contesting this 1-hour illegal arrest/ticket as  
4 said. Civil rights act 1871 (42 USC §1983) "willfully" 18 USC § 242 "specific  
5 intent" (Screws v U.S. 91 (1945) Federal civil rights crimes: "A pattern or  
6 practice by LAW ENFORCEMENT OFFICERS to deprive people of their  
7 constitutional rights." (34 USC § 12601)  
8

9 19. I am informed and believe that in Exhibit #1 there is a video recording of  
10 Officer Bates with a folded over shirt to cover his name tag, and refusing to  
11 identify himself in full when requested many times by Mr. Macy.

12 a) "Thus, there is no absolute requirement that law enforcement  
13 officers identify themselves prior to conducting a search or seizure.  
14 Instead, a failure to do so bears on the reasonableness of the  
15 officers' overall behaviors, including, as the U.S. Court of Appeals  
16 for the Eighth Circuit noted in *Atkinson v. City of Mountain View*,  
17 Mo. (2013), the nature of the plaintiff's crime and whether or not  
18 the plaintiff posed an immediate threat to the officer. A  
19 unanimous Seventh Circuit panel in *Doornbos v. City of Chicago*  
20 (2017) stated that, "[a]lthough some unusual circumstances may  
21 justify an officer's failure to identify himself in rare cases, it is  
22 generally not reasonable for a plainclothes officer to fail to identify  
23 himself when conducting a stop." Thus, there is some chance that  
24 an officer could be denied qualified immunity on the basis of a  
25 failure to identify if that failure was deemed unreasonable and  
26 precedents just discussed had "clearly established" a right to  
27

1 disclosure." In the event of a constitutional violation, the doctrine  
2 of qualified immunity...

3 b) Reasonableness standard is essential. Only if the right(s) in question  
4 has been clearly established and a reasonable officer would not  
5 believe that the activity the officer engaged in was lawful, will that  
6 officer be denied qualified immunity. "The nature of the inquiry  
7 into the reasonableness of a law enforcement officer's failure to  
8 identify as such is largely dependent on where the search or  
9 seizure in question occurred."- Supreme Court.  
10

11 c) Similarly, Section 5-331.09 of the Code of the District of Columbia  
12 requires that the Metropolitan Police Department "ensure that all  
13 uniformed officers assigned to police First Amendment assemblies  
14 are equipped with the enhanced identification and may be  
15 identified even if wearing riot gear," including "by modifying the  
16 manner in which those officers' names or badge numbers are  
17 affixed to the officers' uniforms or helmets" to make the  
18 information more visible.

19 d) The Justice Department has also previously played an Important  
20 role in making sure that police departments meet accountability  
21 standards for displaying identifying information. In 2014, it criticized  
22 the Ferguson Police Department for reports of officers having  
23 failed to wear nameplates, which emerged as part of an  
24 investigation into the police department "for an alleged pattern or  
25 practice of unlawful misconduct." The investigation was triggered  
26 in part by the killing of Michael Brown, an African American man,  
27 by a white police officer. A Justice Department letter sent to  
28

1 Ferguson police explained that "[o]fficers wearing name plates  
2 while in uniform is a basic component of transparency and  
3 accountability. ... Allowing officers to remain anonymous when  
4 they interact with the public contributes to mistrust and  
5 undermines accountability. The failure to wear name plates  
6 conveys a message to community members that, through  
7 anonymity, officers may seek to act with impunity." Requirements  
8 that officers introduce themselves by name and rank as soon as  
9 practicable during investigatory and noncustodial stops was also  
10 part of the consent decree between the City of Ferguson and the  
11 Department of Justice, which was entered into in March 2016 in  
12 the wake of the Justice Department's investigation. The new  
13 guidelines were intended to promote the police department's  
14 efforts at community policing. Even prior to the consent decree,  
15 municipal law in Ferguson required that officers "wear the  
16 regulation uniform while on duty" and a nameplate was part of  
17 that regulation uniform.  
18

19 20. I am informed and believe that Officer Bates stated, "Does not have a  
20 business card with name on it." Officer added words to vehicle code 27315I  
21 VC, even to his Sergeant, Said, "Section 27315I says MUST have a "FACTORY  
22 installed seatbelt???" -Sergeant trusted his fellow officer's words to support  
23 Officer Bates' misquoted words. This is an abuse of duty by Officer Bate's  
24 authority and expertise. This is a willful act of abuse of power to act as a  
25 judge and the jury, without any code written words or letter of the law, to  
26 back up his false claim!  
27  
28



1 a. 27315l Vehicle Code: "l A person 16 years of age or over shall not  
2 be a passenger in a motor vehicle on a highway unless that  
3 person is properly restrained by a safety belt. This subdivision does  
4 not apply to a passenger in a sleeper berth, as defined in  
5 subdivision (x) of Section 1201 of Title 13 of the California Code of  
6 Regulations."  
7

8 21. I am informed and believe that Exhibit #2 Weight Receipt "County of San  
9 Bernardino SOLID WASTE MANAGEMENT DIVISION. Transaction #520932116  
10 6/27/23 loc 52/ Heaps Peak. Time in 12:09 pm. Origins 739 Lake Arrowhead  
11 Ca 92352. Trans Type: 120 Land Use. Weight Net: 2,240 lbs. (1.12 tons) That's  
12 a lot of trash! Both officers were informed that plaintiff had just left the  
13 Running Springs Dump, after dumping trash. (Solid waste removal) Even  
14 after being informed that, and knowing Plaintiff's business card says,  
15 "Hauling" which would exempt plaintiffs from even using seatbelts, still  
16 stubbornly gave seat belt ticket. "Garbage truck drivers, & persons who  
17 work frequently entering & leaving vehicle". Exhibit #2—Yet Sergeant knew  
18 we dumped trash, as printed on our business card in neon orange; that he  
19 had when Macy's had worked for him previously.

20 22. **California Code, Vehicle Code - VEH § 27315** (Current as of January 01,  
21 2023)

22 a. "(o) This section **does not apply** to a driver actually engaged in the  
23 collection of **solid waste or recyclable materials along that driver's**  
24 **collection route** if the driver is properly restrained by a safety belt  
25 prior to commencing and subsequent to completing the  
26 collection route." (If driver does not need a seatbelt, why would  
27 co-worker need a seatbelt in a trash truck?)  
28

23. There was no probable cause to check to see if a seatbelt was being used or not, out of site lap belt.

a. The traffic stop has to be short, though. Was over 1 hour.

**California Code, Vehicle Code - VEH § 27315:**

(e) A person 16 years of age or over shall not be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt. This subdivision does not apply to a passenger in a sleeper berth, as defined in subdivision (x) of Section 1201 of Title 13 of the California Code of Regulations.

(o) This section does not apply to a driver actually engaged in the collection of solid waste or recyclable materials along that driver's collection route if the driver is properly restrained by a safety belt prior to commencing and subsequent to completing the collection route. (not reasonable to expect that if a driver does not need a seatbelt, that a passenger does need a seatbelt? Garbage trucks even have 2 workers hanging off the back of the truck with no seatbelt all over the usa)

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24. Seat Belt Laws in California? <https://www.dmv.org/ca-california/safety-laws.php>:

a. Vehicles must contain **properly functioning** seat belts.

b. **Agency of Transportation Department of Motor Vehicles [Federal above Calif laws]**

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25. **Safety Belts 23 V.S.A. § 1259. Safety belts; persons age 18 and over**  
**(2) the person is a driver or passenger frequently stopping and leaving the**  
**motor vehicle or delivering property from the motor vehicle, if the speed of the**  
**motor vehicle between stops does not exceed 15 miles per hour;**  
-----

26. (2018 Isuzu npr truck uses lap belt type 1 for interior bench seat passengers)

a. FEDERAL MOTOR VEHICLE SAFETY STANDARDS –higher law than Calif  
law:

b. **49 CFR § 571.209 - Standard No. 209; Seat belt assemblies**

**(c) Attachment hardware:**

**(1)** Eye bolts, shoulder bolts, or other bolt used to secure the pelvic  
restraint of seat belt assembly to a motor vehicle shall withstand a force  
of 40,034 N when tested by the procedure specified in S5.2(c)(1), except  
that attachment bolts of a seat belt assembly designed for installation in  
specific models of motor vehicles in which the ends of two or more seat  
belt assemblies cannot be attached to the vehicle by a single bolt shall  
have breaking strength of not less than 22,241 N.

(pelvic- means lap only requirement- 2 point seatbelt (type 1) is  
only requirement)

*Type 1 seat belt assembly* is a lap belt for pelvic restraint.

**49 CFR § 571.209 (g) Adjustment.**

(1) A Type 1 or Type 2 seat belt assembly shall be capable of  
adjustment to fit occupants whose dimensions and weight range from those

1 of a 5th-percentile adult female to those of a 95th-percentile adult male.  
2 The seat belt assembly shall have either an automatic-locking retractor, an  
3 emergency-locking retractor, or an adjusting device that is within the reach  
4 of the occupant.  
5

6 (2) A Type 1 or Type 2 seat belt assembly for use in a vehicle  
7 having seats that are adjustable shall conform to the requirements of  
8 S4.1(g)(1) regardless of seat position. However, if a seat has a back that is  
9 separately adjustable, the requirements of S4.1(g)(1) need be met only with  
10 the seat back in the manufacturer's nominal design riding position.  
11  
12

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13 California Code, Vehicle Code - **VEH § 27318**

14  
15 At a minimum, the law states that the seatbelt must be a lap  
16 belt that crosses a person's upper thighs and hips.

17 (e)(1) For purposes of this section, "acceptably restrained by a  
18 safety belt" means all of the following:  
19

20 (A) The latch plate is securely fastened in the buckle.

21 (B) The lap belt shall be adjusted to fit low and tight across the  
22 hips or upper thighs, not the stomach area.  
23

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24 **Federal Motor Carrier Safety Administration (FMCSA), DOT. established within**  
25 **the Department of Transportation on January 1, 2000, pursuant to the Motor**  
26 **Carrier Safety Improvement Act of 1999 (49 U.S.C. 113).**

27 **2012 amendment to the 1984 Act requires FMCSA to ensure that CMV drivers**  
28 **are not coerced to violate certain provisions of the FMCSRs (sec. 31136(a)(5)).**

1 **Coercion is now prohibited by 49 CFR 390.6. Given the obvious value of this**  
2 **final rule and the ease of compliance, the Agency believes that no one will be**  
3 **coerced *not* to wear a seat belt.**

4 **A. Compliance Responsibilities**

5 *Comments:* Three commenters opposed imposing a new responsibility on  
6 drivers to ensure passenger compliance with a seat belt regulation. An  
7 individual stated that neither the **motor carrier nor the driver should be**  
8 **responsible for requiring passengers to use the seat belts, and mentioned that**  
9 **drivers deal with many other regulations already.** Both ATA and Werner stated  
10 that a motor carrier could not and should not be responsible for the use of  
11 safety belts in CMVs, as they have no practicable way to monitor it.

12 27. I am informed and believe that Officer Bates was fishing for a reason to give  
13 "click-it-or-ticket" seatbelt violation ticket to gain money, based on  
14 suspicion out of view by Officer Bates being parked on the other side of the  
15 road. On his... "Possibility that there was not a seatbelt present"? Yet ticket  
16 even says "...secured by a non-factory equipped seat belt" –Word for word  
17 from Officer Bates. "Opportunities for Law Enforcement to harass minority  
18 groups" (St. Lois et. Al, 2011) –This can be against a race, religion or any  
19 targeted type, including people with criminal records. Jeff Macy had  
20 already filed a Federal Lawsuit against San Bernardino County. Seemed like  
21 a suspiciously targeted stop.

22 28. I am informed and believe that (Exhibit # History TBD) plaintiffs are still  
23 waiting for Public Records request incident reports from said Highway Patrol.  
24 HWY patrol has refused to give us their video recording from their car! They  
25 ask for my video evidence and have still not come to get it. History: 1-2  
26 years ago, Highway patrol illegally towed same exact truck. A Highway  
27 patrol officer lied writing ticket that Macy's Isuzu box truck was blocking a  
28 private road & blocking a fire hydrant. Was another false ticket (Plaintiffs

1 had photo of truck position showing past the 15' side legal requirement. A  
2 Highway Patrol Officer willingly lied, assumed to continue harassing Jeff  
3 Macy and get money through fake fines unjustly. On appeal was found  
4 again, Jeff Macy was correct, it was not a violation or valid ticket. Being  
5 another error (intentional police misconduct) ticket was dropped, costing  
6 Mr. Macy thousands of dollars to get work truck out of impound. Highway  
7 Patrol had truck towed all the way out of San Bernardino County to  
8 Hesperia, CA. (Another violation of Federal law). Truck should not have  
9 been towed by Highway Patrol's command from the side of the road; a  
10 private property on a private road. Other times looked like the same officer  
11 of Highway Patrol was driving around my neighborhood for no reason. Also  
12 slowed down stared at plaintiffs for no reason, as if looking to stop plaintiffs  
13 again for doing nothing wrong. Next year Highway Patrol pulled over Jeff  
14 Macy for suspicion of not have a seatbelt for 4th passenger. After inspection  
15 seeing 4th legal safe seatbelt, said plaintiffs were ok and free to leave.  
16 (Wasted 15 minutes of plaintiffs lives for Officer's fishing expedition). Mr.  
17 Macy left without further incident. Other times Highway Patrol's come out,  
18 driven up plaintiff's private road "Augusta Way" asking plaintiff questions  
19 about plaintiff's vehicle parked on the side of plaintiff's own property. This is  
20 a clear pattern of unjust harassment.

21  
22 29. I am informed and believe that Exhibit #3 CPRA Request Letter. Jeff Macy  
23 has request numerous times for documents and the recording from Highway  
24 Patrol's local office, dispatch & directly through public records request  
25 office locally and Sacramento. Any infractions/incidents/reports/driving on  
26 Augusta Way, Lake Arrowhead, CA or tickets to "Jeffrey Macy" by highway  
27 patrol or traffic stops from the last 10 years. (1 Example request not fulfilled).

1 San Bernardino County Public Request #23-3765 (Running Springs Ca  
2 Highway Patrol)

3 30. I am informed and believe that Mr. Macy alleges Running Springs, CA.  
4 Highway Patrol is actively covering up &/or failing to follow the 10-day Legal  
5 requirement to disclose and provide said documents. Only response Mr.  
6 Macy has received was a letter on April 07, 2023 file # 801.13318.a14522.  
7 Which just repeated the requests plaintiff asked for from Highway Patrol  
8 numerous times; for evidence of suspicion of crimes/cover-up/negligence  
9 by Burrtec/Highway Patrol. Plaintiff had called the office & mailed back a  
10 response saying, YES, give me the evidence requested already to Highway  
11 patrol by D.J. Minor, Chief's confirmation of request.  
12

13 31. I am informed and believe that plaintiffs have been 100% cooperative,  
14 peaceful at all times, and have provided all documents requested during  
15 illegal traffic stop. (Driver's License, Registration & Proof of insurance- all  
16 valid, up to date)

17 32. I am informed and believe that (Plaintiffs have HD video/audio of clear  
18 recording of illegal traffic stop, which started after realizing Officer was not  
19 going to let plaintiffs go home). All accusations are true based on Plaintiff's  
20 video recording and 4 adult Macy witnesses. Traffic infraction ticket  
21 hopefully will get dismissed soon. Plaintiffs have the right & just to file Federal  
22 Lawsuits against said Officers, and Running Springs Highway Patrol for: gross  
23 negligence, civil rights violations, harassment, government invasion of  
24 privacy, emotional distress (1871 (42 § 1983), illegal detainment, false arrest,  
25 cover-up; forcing citizens to have to go to out of area (Lake Arrowhead,  
26 San Bernardino, CA to far away Fontana, CA to contest/appear/appeal;  
27 against right to a trial by own peers (own area [Lake Arrowhead, CA, San  
28

Bernardino County.] plaintiffs live in), not even in the same Town (Fontana, CA). 50-minute drive down the hill in a car, If no traffic.

**FIRST CAUSE OF ACTION**

**False Ticket**

**(By Plaintiff Against California Highway Patrol Running Springs, Christopher Bates, Jeffrey O'Brien, and Does 1 to 50)**

33. Plaintiff hereby re-alleges and incorporates by this reference, as though set forth in full, the allegations in paragraph 1 through 26, inclusive.

34. Defendants were informed that plaintiffs had just left Running Springs Dump, after dumping trash, but even after being informed that, and knowing their business card says, Hauling, which would exempt plaintiffs from even using seatbelts, still stubbornly gave seatbelt ticket. "Garbage truck drivers, & persons who work frequently entering & leaving vehicle".

35. Defendant Officer Bates was fishing for a reason to give "click-it-or-ticket" seatbelt violation ticket to gain money, based on suspicion out of view by Officer Bates parked on the other side of road. On his... "Possibility that there was not a seatbelt present"? Yet ticket even says "...secured by a non-factory equipped seat belt" –Word for word from Officer Bates.

36. "Opportunities for Law Enforcement to harass minority groups" (St. Lois et. Al, 2011) –This can be against a race, religion or any targeted type, including people with criminal records. Plaintiff Jeff Macy had already filed a Federal Lawsuit against San Bernardino County. Seemed like a suspiciously targeted stop and false ticket.

37. History: 1-2 years ago, Highway patrol illegally towed same exact truck. A Highway patrol officer lied writing ticket that Macy's Isuzu box truck was blocking a private road & blocking a fire hydrant. This was another false



1 ticket (we had photo evidence of truck position showing that it was past the  
2 15' side legal requirement. A Highway Patrol officer willingly lied, assumed to  
3 continue harassing Plaintiff Jeff Macy and get money through fake fines  
4 unjustly. On appeal was found again that Plaintiff Jeff Macy was correct, no  
5 violations, or valid ticket. Being another error (intentional police  
6 misconduct), the ticket was dropped. It cost Mr. Macy thousands of dollars  
7 to get work truck out of impound. Highway Patrol had truck towed all the  
8 way out of San Bernardino County to Hesperia California. (Another violation  
9 of Federal law). Truck should not have been towed by Highway Patrol  
10 command from the side of the road; a private property on a private road.  
11 Other times looked like same officer of Highway Patrol was driving around  
12 my neighborhood for no reason. Slowed down stared at us for no reason, as  
13 if looking to stop us again for doing nothing wrong. Next year Highway  
14 Patrol pulled over Plaintiff Jeff Macy for suspicion of not have a seatbelt for  
15 4th passenger. After inspection seeing 4th legal safe seatbelt, said we were  
16 ok and free to leave. (Wasted 15 minutes of our lives for his fishing  
17 expedition). Mr. Macy left without further incident. Other times Highway  
18 Patrol came out, drove up plaintiff's private road "Augusta Way" asking  
19 questions about my vehicle parked on the side of my own property. This is a  
20 clear pattern of unjust harassment and abuses towards Plaintiff and family.  
21 Yet Defendants Highway Patrol refused to tow an abandoned, undriveable  
22 RV that was obstructing a roadway.

24 38. Defendant Officer Bates is not in a position of power to decide what is a  
25 factory or non-factory seatbelt.

26 39. Officer Bates showed gross negligence by misquoting and adding words to  
27 vehicle code 27315(e) VC, even to his Sergeant, Said, "Section 27315(e)  
28

1 says MUST have a "FACTORY installed seatbelt???" -Sergeant trusted his  
2 fellow officer's words to support Officer Bates misquoted words. This is an  
3 abuse of duty by Officer Bate's authority and expertise to give plaintiffs a  
4 false ticket to get more money. This is a willful act of abuse of power to act  
5 as a judge and the jury, without any code written words or letter of the law,  
6 to back up his false claim!

7  
8 40. Plaintiff Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C. §  
9 1988 under this claim for relief.

10 **SECOND CAUSE OF ACTION**

11 **Emotional Distress**

12 **(By Plaintiff Against California Highway Patrol Running Springs, Christopher**  
13 **Bates, Jeffrey O'Brien, and Does 1 to 50)**

14 41. Plaintiff hereby re-alleges and incorporates by this reference, as though set  
15 forth in full, the allegations in paragraph 1 through 40, inclusive.

16 42. Plaintiff is informed and believes and thereon alleges that Defendants'  
17 actions described in this Complaint were intentional, extreme, and  
18 outrageous.

19 43. Plaintiff is further informed and believes and heron alleges that such actions  
20 were done with intent to cause serious emotional distress and were done  
21 with reckless disregard of the probability of causing Plaintiffs serious  
22 emotional distress.

23 44. The conduct of the Defendants was despicable, abuse of power, abuse of  
24 authority, oppressive, and accomplished with a conscious disregard for  
25 Plaintiff Jeff Macy's rights.

26 45. Defendant Officer O'Brien violated Plaintiff Jeff Macy's federal civil rights, 1<sup>st</sup>  
27 Amendment right to record the police. Defendant did not allow Plaintiff to  
28

1 record during defendant's traffic stop, Plaintiff had to get his son Josiah  
2 Macy to take over recording. Officer O'Brien was not unbiased or neutral  
3 and caused great emotional distress upon plaintiff.

4 46. Plaintiffs Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C.  
5 § 1988 under this claim for relief.  
6

7 **THIRD CAUSE OF ACTION**

8 **Endangerment**

9 **(By Plaintiff Against Officers Christopher Bates and Jeffrey O'Brien)**

10 47. Plaintiff hereby re-alleges and incorporates by this reference, as though set  
11 forth in full, the allegations in paragraph 1 through 46, inclusive.

12 48. Defendants endangered Plaintiff and family by having everyone get out of  
13 the vehicle on a high-speed highway 18 for suspicion of non-factory  
14 seatbelt. Suspicion is not probable cause.

15 49. Defendants had no warrant to do an unreasonable search of plaintiff's  
16 vehicle.

17 50. As a result of the conduct of Defendants, they are liable because they were  
18 integral participants in the wrongful entry and inspection or because they  
19 failed to intervene to prevent these violations.

20 51. Plaintiffs Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C.  
21 § 1988 under this claim for relief.  
22

23 **FOURTH CAUSE OF ACTION**

24 **Cover Up**

25 **(By Plaintiff Against California Highway Patrol Running Springs, Christopher**  
26 **Bates, Jeffrey O'Brien, and Does 1 to 50)**  
27

1 52. Plaintiff hereby re-alleges and incorporates by this reference, as though set  
2 forth in full, the allegations in paragraph 1 through 51, inclusive.

3 53. Defendants are actively covering up or failing to follow the 10-day legal  
4 requirement to disclose and provide video footage, incident report, or  
5 written testimony. Plaintiff made a public records request to 3 different  
6 places and have received nothing back. Plaintiff has already complied with  
7 giving Defendants our video evidence for a swap, but has received  
8 nothing.  
9

10 54. Defendants' higher ups did not dismiss the ticket, so they could cover up  
11 the false ticket. Plaintiffs have not received 1 call from internal affairs.  
12 Plaintiff has requested a meeting with the Lieutenant, but Defendants  
13 always cover it up and say the Lieutenant is on vacation or undergoing  
14 training.

15 55. For the good of the community, anyone that is involved in this cover up and  
16 widespread corruption should be suspended or fired.

17 56. Ignorance is not above the law, as police would tell you, but when police  
18 do something wrong, they cover it up? Defendants swore an oath and a  
19 promise to serve the community, not to extort money from the people. The  
20 constitution was written to protect we the people from the police. What is  
21 representation? Who is the mediator between we the people and the  
22 Highway Patrol?

23 57. Defendants have failed to do any and all investigations or resolutions to this  
24 day.

25 58. Plaintiffs Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C.  
26 § 1988 under this claim for relief.  
27

28 **FIFTH CAUSE OF ACTION**

**Gross Negligence/Failure to do Public Records Request San Bernardino County  
Public Request #23-3765 (Running Springs CA Highway Patrol)  
(By Plaintiff Against California Highway Patrol Running Springs, Christopher  
Bates, Jeffrey O'Brien, and Does 1 to 50)**

59. Plaintiff hereby re-alleges and incorporates by this reference, as though set forth in full, the allegations in paragraph 1 through 58, inclusive.

60. Defendants violated Government Code (GC) sections 6250-6270 failure to complete request within the 10 days to this day.

61. Defendants failed to do a public records request as requested by Plaintiff multiple times.

62. Defendants have failed to provide incident reports, dashcam footage, bodycam footage.

63. Plaintiff has requested numerous times for documents as well as recordings from Highway Patrol. Defendants fail to follow the 10-day legal requirement to disclose and provide the documents as requested.

64. Plaintiffs Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C. § 1988 under this claim for relief.

**SIXTH CAUSE OF ACTION**

**Violation of Bane Act (Cal. Civ. Code § 52.1)**

**(By Plaintiff Against California Highway Patrol Running Springs, Christopher  
Bates, Jeffrey O'Brien, and Does 1 to 50)**

65. Plaintiff hereby re-alleges and incorporates by this reference, as though set forth in full, the allegations in paragraph 1 through 64, inclusive.

66. Defendants were intimidating with their 2 police cars, badges, guns, tasers, telling plaintiff he couldn't record, had to get out of vehicle, somehow

1 defendants were experts in knowing and creating new law saying that it  
2 had to be a factory installed seatbelt.

3 67. Defendant intentionally interfered with Plaintiff's rights by threats,  
4 intimidation or coercion in that Defendant acted intimidating against Jeff  
5 Macy from exercising their first amendment right to film law enforcement  
6 officers that are conducting police activity in public.

7  
8 68. Plaintiffs Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C.  
9 § 1988 under this claim for relief.

10 **SEVENTH CAUSE OF ACTION**

11 **Illegal Detainment**

12 **(By Plaintiff Against California Highway Patrol Running Springs, Christopher**  
13 **Bates, Jeffrey O'Brien, and Does 1 to 50)**

14 69. Plaintiff hereby re-alleges and incorporates by this reference, as though set  
15 forth in full, the allegations in paragraph 1 through 68, inclusive.

16 70. A police detention is a seizure of your person. If it is unreasonable, it violates  
17 your Fourth Amendment rights. If it violates the Fourth Amendment, it is  
18 unlawful.

19 71. Defendants illegally detained Plaintiff and Plaintiff's family for over an hour  
20 on Highway 18 road in the hot sun risking bodily harm from traffic and  
21 endangering Plaintiff and Plaintiff's family.

22 72. Defendants had no legal justification to restrict Plaintiff and Plaintiff's family  
23 freedom to leave.

24 73. Plaintiffs Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C.  
25 § 1988 under this claim for relief.

26 **EIGHTH CAUSE OF ACTION**

**Unlawful Traffic Stop**

**(By Plaintiff Against California Highway Patrol Running Springs, Christopher Bates, Jeffrey O'Brien, and Does 1 to 50)**

74. Plaintiff hereby re-alleges and incorporates by this reference, as though set forth in full, the allegations in paragraph 1 through 73, inclusive.

75. Defendants lacked probable cause saying that suspicion of non-factory installed vehicle seat belt, violation of Fourth Amendment.

76. Defendants ticket itself admits that there were seatbelts and secured by a non-factory equipped seat belt.

77. Plaintiffs Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C. § 1988 under this claim for relief.

**NINTH CAUSE OF ACTION**

**Collusion/Racketeering**

**(By Plaintiff Against California Highway Patrol Running Springs, Christopher Bates, Jeffrey O'Brien, and Does 1 to 50)**

78. Plaintiff hereby re-alleges and incorporates by this reference, as though set forth in full, the allegations in paragraph 1 through 77, inclusive.

79. The federal Racketeer Influenced and Corrupt Organizations Act (RICO) (18 USC §§ 1961-1968) prohibits (1) acquiring, establishing, or operating an enterprise with illegally derived income, (2) acquiring or maintaining an interest in or control of an enterprise through illegal activity, and (3) using an enterprise to commit illegal acts (Extortion, Blackmail, Etc., 31A Am Jur 2d). Defendants pulled plaintiffs over to extort money out of plaintiffs by giving an unjust ticket, guessing that the seatbelt was not a factory seatbelt.

1 80. Plaintiff Jeff Macy has already filed a Federal Lawsuit against San  
2 Bernardino County. Seemed like a suspiciously targeted stop because  
3 Defendants colluding and racketeering with Burrtec.

4 81. Defendants Highway Patrol is actively covering up &/or failing to follow the  
5 10-day Legal requirement to disclose and provide said documents. Only  
6 response Plaintiff Mr. Macy has received was a letter on April 07, 2023 file #  
7 801.13318.a14522. which just repeated the requests plaintiff asked for from  
8 Defendant Highway Patrol numerous times; for evidence of suspicion of  
9 crimes/cover-up/negligence by Burrtec/Highway Patrol. Plaintiff had called  
10 the office & mailed back a response saying, YES, give me the evidence  
11 requested already to Highway patrol by D.J. Minor, Chief's confirmation of  
12 request.  
13

14 82. Plaintiff believes that Defendant Officer Bates was fishing for a reason to  
15 give "click-it-or-ticket" seatbelt violation ticket to gain money, based on  
16 suspicion out of view by Officer Bates being parked on the other side of the  
17 road. On his... "Possibility that there was not a seatbelt present"? Yet ticket  
18 even says "...secured by a non-factory equipped seat belt" –Word for word  
19 from Officer Bates. "Opportunities for Law Enforcement to harass minority  
20 groups" (St. Lois et. Al, 2011) –This can be against a race, religion or any  
21 targeted type, including people with criminal records.

22 83. Plaintiffs Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C.  
23 § 1988 under this claim for relief.

24 **TENTH CAUSE OF ACTION**

25 **Unreasonable Search and Seizure**

26 **(By Plaintiff Against California Highway Patrol Running Springs, Christopher**  
27 **Bates, Jeffrey O'Brien, and Does 1 to 50)**



1 84. Plaintiff hereby re-alleges and incorporates by this reference, as though set  
2 forth in full, the allegations in paragraph 1 through 83, inclusive.

3 85. Defendants made an unlawful police detention on suspicion of out-of-view  
4 no seatbelt, yet officer said everyone had a secured seatbelt on! –

5 **“Unlawful police detention is when law enforcement, without legal**  
6 **justification, restricts your freedom to leave. Doing so constitutes a civil rights**  
7 **violation based on the Fourth Amendment. That amendment to the U.S.**  
8 **Constitution prohibits officers from conducting unreasonable searches or**  
9 **seizures.”**  
10

11 86. Defendants violated Plaintiff's Fourth Amendment to the Constitution. “The  
12 right of the people to be secure in their persons, houses, papers, and  
13 effects, against unreasonable searches and seizures, shall not be violated,  
14 and no warrants shall issue, but upon probable cause, supported by oath or  
15 affirmation, and particularly describing the place to be searched, and the  
16 persons or things to be seized.” -Officer entered plaintiff's truck without  
17 permission and seized private property images without consent.

18 87. Defendants had no warrant to do an unreasonable search of plaintiff's  
19 vehicle.

20 88. Plaintiffs Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C.  
21 § 1988 under this claim for relief.

22 **ELEVENTH CAUSE OF ACTION**

23 **Municipal and Supervisory Liability (42 U.S.C. § 1983)**

24 **(By Plaintiff Against California Highway Patrol Running Springs, Christopher**  
25 **Bates, Jeffrey O'Brien, and Does 1 to 50)**

26 89. Plaintiff hereby re-alleges and incorporates by this reference, as though set  
27 forth in full, the allegations in paragraph 1 through 88, inclusive.

1 90. Defendants California Highway Patrol Running Springs, Christopher Bates,  
2 Jeffrey O'Brien, and Does 1 to 50, deprived Mr. Macy of the rights and  
3 liberties secured to them by the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the United  
4 States Constitution, in that said defendants and their supervising and  
5 managerial employees, a agents, and representatives acting with gross  
6 negligence and with reckless and deliberate indifference to the safety,  
7 rights, and liberties of the public in general and of Mr. Macy, and of persons  
8 in his class, situation and comparable position, in particular, knowingly  
9 maintained, enforced and applied an official recognized custom, policy  
10 and practice of:

11  
12 (a) Employing and retaining as California Highway Patrol Running  
13 Springs Officers and other personnel, including Bates and  
14 O'Brien who Defendants California Highway Patrol Running  
15 Springs and Does 1 to 50 at all times material herein knew or  
16 reasonably should have known had propensities for abusing  
17 their authority and for mistreating citizens by failing to follow  
18 written policies;

19 (b) Inadequately supervising, training, controlling, assigning and  
20 disciplining California Highway Patrol Running Springs Officers  
21 and other personnel, including Bates and O'Brien who  
22 Defendants California Highway Patrol Running Springs and  
23 Does 1 to 50 each know or in the exercise of reasonable care  
24 should have known the aforementioned propensities and  
25 character traits;

26 (c) Maintaining grossly inadequate procedures for reporting,  
27 supervising, investigating, reviewing, controlling and disciplining  
28

1 the intentional conduct by California Highway Patrol Running  
2 Springs Officers and other personnel, including Bates, O'Brien,  
3 and Does 1-50 who are California Highway Patrol Running  
4 Springs Officers;

5 (d) Failing to adequately train California Highway Patrol Running  
6 Springs Officers including Defendants Bates and O'Brien and  
7 failing to institute appropriate policies regarding constitutional  
8 procedures and practices.  
9

10 91. Defendants California Highway Patrol Running Springs, Bates, O'Brien, and  
11 Does 1 to 50, together with various other officials whether named or  
12 unnamed, had either actual or constructive knowledge of the deficient  
13 policies, practices, and customs alleged in the paragraphs above. Despite  
14 having knowledge as stated above these defendants condoned, tolerated,  
15 and through actions and inactions thereby ratified such policies. Said  
16 defendants also acted with deliberate indifference to the foreseeable  
17 effects and consequences of these policies with respect of the  
18 constitutional rights of Mr. Macy and other individuals similarly situated.

19 92. By perpetrating, sanctioning, tolerating, and ratifying the outrageous  
20 conduct and wrongful acts, Defendants California Highway Patrol Running  
21 Springs, Bates, O'Brien, and Does 1 to 50, acted with intentional, reckless,  
22 and callous disregard for the safety and constitutional rights of Mr. Macy.  
23 Defendants California Highway Patrol Running Springs, Bates, O'Brien, and  
24 Does 1 to 50, and each of their actions were willful, wanton, oppressive,  
25 malicious, fraudulent, extremely offensive, and unconscionable to any  
26 reasonable person of normal sensibilities.  
27  
28

1 93. By reason of the aforementioned policies and practices of Defendants  
2 California Highway Patrol Running Springs, Bates, O'Brien, and Does 1 to 50,  
3 Mr. Macy incurred damages in the form of lost money and emotional  
4 injuries, including, without limitation, humiliation, all of which are continuing  
5 and damage to reputation. Plaintiff's actual damages will be ascertained  
6 at trial.

7  
8 94. The policies, practices, and customs implemented and maintained and still  
9 tolerated by Defendants California Highway Patrol Running Springs, Bates,  
10 O'Brien, and Does 1 to 50, were affirmatively linked to and were significantly  
11 influential forces behind the false ticket given to Mr. Macy.

12 95. Plaintiffs Jeff Macy also claims attorney fees and costs pursuant to 42 U.S.C.  
13 § 1988 under this claim for relief.

14  
15 **WHEREFORE**, Plaintiff's pray judgment against Defendants as follows:

- 16 1. For compensatory damages of \$100,000 if settled before trial;
- 17 2. For treble damages pursuant to the Bane Act;
- 18 3. For punitive damages on those claims where it is available pursuant to  
19 law in an amount sufficient to punish, deter and make an example of  
20 the Defendants;
- 21 4. For interest on those claims where it is available under law;
- 22 5. For an order awarding PLAINTIFF their reasonable attorney's fees as to  
23 Plaintiff's civil rights claim pursuant to 42 U.S.C. § 1988, and Plaintiff's  
24 claim under the Bane Act, including litigation costs and expenses;
- 25 6. For cost of suit; and
- 26 7. For such other and further relief as this Court may deem to be just and  
27 proper.

1  
2 Dated: 10/29/2023  
3

4 Respectfully Submitted,

5 By: Jeff Macy  
6 Jeff Macy- Bible Law Translator  
7 Plaintiff  
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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

Dated: 10/29/2023

Respectfully Submitted,

By: \_\_\_\_\_

*Jeff Macy*

Jeff Macy- Bible Law Translator  
Plaintiff